BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

JAMES E. FOWLER Claimant	}
VS.))) Docket No. 193,172
WICHITA EAGLE Respondent) Docket No. 193,172
AND	
TRAVELERS INSURANCE COMPANY Insurance Carrier	}

ORDER

The respondent and insurance carrier request review of the Preliminary Hearing Order entered in this proceeding by Administrative Law Judge Nelsonna Potts Barnes on January 13, 1995.

ISSUES

The Administrative Law Judge granted claimant's request for medical benefits. The respondent and insurance carrier contend claimant did not sustain personal injury by accident, but instead merely suffers from symptoms arising from the natural aging process. That is the sole issue now before the Appeals Board.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire record, for purposes of preliminary hearing, the Appeals Board finds as follows:

The Preliminary Hearing Order of the Administrative Law Judge should be affirmed.

IT IS SO ORDERED

Claimant's testimony, coupled with the medical report of Dr. Blaty, established claimant's work activities have aggravated his lower back. Claimant is entitled to medical treatment for that aggravation.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Preliminary Hearing Order of Administrative Law Judge Nelsonna Potts Barnes, dated January 13, 1995, should be, and hereby is, affirmed.

II IO OO ONDENED.	
Dated this day of March	ո, 1995.
BO	OARD MEMBER
D	OARD MEMBER
В	OARD MEMBER
BO	OARD MEMBER

c: Joseph Seiwert, Wichita, KS Lyndon W. Vix, Wichita, KS Nelsonna Potts Barnes, Administrative Law Judge George Gomez, Director